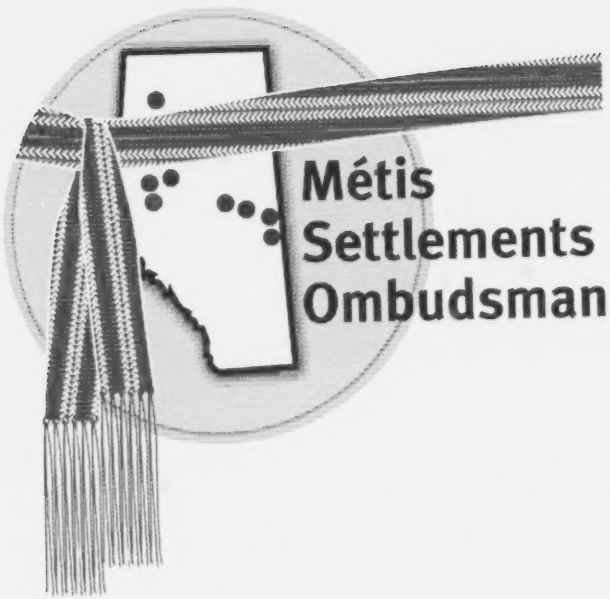
Métis
Settlements
Ombudsman

April 2011

The Honourable Len Webber
Minister of Aboriginal Relations
203 Legislature Building
10800 - 97 Avenue
Edmonton, Alberta
T5K 2B6

Dear Honourable Minister:

I am honoured and pleased to present you with the eighth Annual Report of the activities of the Office of the Métis Settlements Ombudsman.

This report is submitted in compliance with Alberta Regulation 116/2007, *Métis Settlements Act*, Métis Settlements Ombudsman Regulation 12(1)(a), covering the period April 1, 2010, through March 31, 2011.

Respectfully,

Original signed by

Harley Johnson

Alberta Métis Settlements Ombudsman

Office of the Alberta Métis Settlements Ombudsman
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tel: 780.427.9828 1.866.427.6813 fax: 780.427.9962 www.metisombudsman.ab.ca

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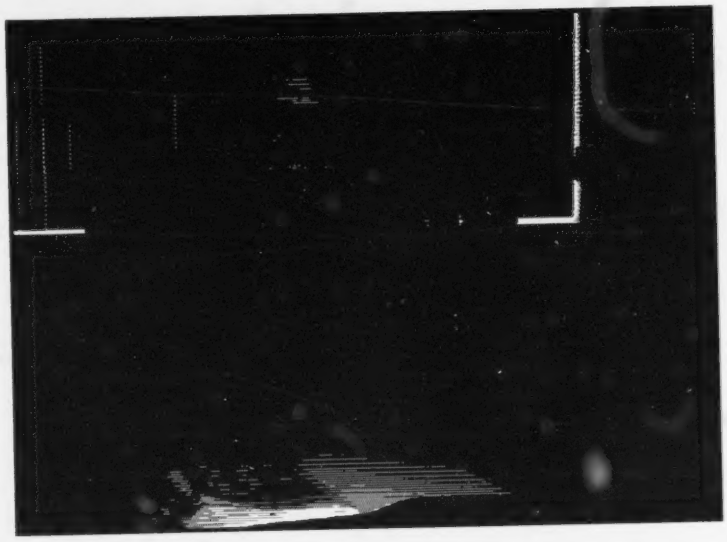
Message from Harley Johnson, Alberta Métis Settlements Ombudsman

A Year of Transition



Tansi

I would like to take this opportunity to say that I am very pleased to be back in the role of the Métis Settlements Ombudsman.

The role itself is very exciting and this opportunity to once again assist Alberta's eight Métis Settlements in the steps along their road to self-governance and self-regulation is very gratifying to me personally.

It is important to understand that a basis for those steps is the confidence that everyone is treated fairly and with respect. This is especially important when dealing with persons in positions of authority such as Councillors and Settlement Administrations.

In order for there to be fairness, every Settlement member must be assured that their leaders are operating consistently within appropriate **processes**, such as those identified in the *Métis Settlements Act* (MSA) (the legal basis for the establishment and operations of the Settlements).

Leaders are also guided by formally established Policies of the Métis Settlements General Council and individual Métis Settlements By-laws and Policies. Also, these laws, by-laws and policies must be applied consistently to all. Failure to do so would suggest that the Settlements are not ready for self-governance and self-regulation.

It is my role, as Métis Settlements Ombudsman, to assist in any legal way possible, to ensure these mechanisms are adhered to. My function is to use a review, an inspection or an investigation, along with a dispute resolution process, making recommendations to correct a process when a breach is identified.

Consistent with the processes used by Ombudsmen internationally, an Ombudsman does not direct corrective behaviour, but uses persuasion in addition to recommendations to achieve an appropriate result.

It is only when the Métis Settlements Ombudsman cannot achieve an appropriate result, that a report with formal recommendations to the Minister of Aboriginal Relations is made. It is the role of the Minister to take any action as sanctioned by the MSA.

To be very honest, this past year has not been an easy one for the Office of the Métis Settlements Ombudsman.

Based on a significant number of complaints, my predecessor, Dr. John Brosseau, authorized a series of complex investigations. Before the completion of these investigations, Dr. Brosseau resigned his appointment. Simultaneously, a decision was made to migrate the Office of the Métis Settlements Ombudsman from a contracted organization to the Government of Alberta's Ministry of Aboriginal Relations. I accepted a request from the Minister to return to the role of MSO under this new structure, until a successor was appointed.

The initial transition, while not painless, was relatively easy, however the changing of MSO Policies and Procedures that had been instituted, to those of a larger organization, has taken some time and a significant effort on the part of all who were involved. A new Director of the Office has been instrumental in these efforts.

Progress has been made and some of the more complex investigations I mentioned earlier, have now been restarted. In addition, a backlog of other complaints formed and we have now been able to start the process of addressing that backlog. The office will also be revisiting our processes, including correspondence and how we report to Settlements. We want to ensure that they are as sound and efficient as they can be.

One minor change in the complaint process has already occurred and discussions have begun with the General Council to streamline it further—including one recommendation that came to me from the New Councillor workshop last November. A new complaint management system has been installed and upgrades to our website have started.

Of interest, there has been a significant increase in telephone calls from current Councillors and administrative staff, seeking advice in advance of a decision being made or regarding matters that a Settlement may be facing. This is a very proactive action on the part of the leadership of some of the Settlements and has had an impact on the number of complaints this office has received from these Settlements. The office is very willing to provide such advice *when* requested.

Over the coming months, I intend to visit each of the eight Settlements and meet the members for an open discussion about the role this Office plays in the larger scheme of self-governance and the self-regulation process.

I have, in my previous time as the Métis Settlements Ombudsman, been able to do that and found great pleasure in meeting with Councillors, Administrations, and the general population of the Settlements.

I am always impressed with the vision, energy and passion I have encountered during my visits to the Settlements. I respect what the Settlements are trying to accomplish and I am so very happy that I might be able to play a small role in achieving appropriate objectives.

To the Minister of Aboriginal Relations, the Honourable Len Webber, I openly pledge that I will do the best job I can to accomplish the objectives of the Office of the Métis Settlements Ombudsman.

To the Métis Settlements General Council and the Métis Settlements Appeals Tribunal, I very much appreciate your support and the open discussions we have had to date.

To my own staff, the personal and professional support you provide to this Office is exemplary.

To all Settlement members including Settlement Leaders, this Office will do our part to ensure the governance structure you deserve is open and equipped to operate in a fair and impartial manner.

Ay-ay

Harley Johnson, BA, MPA

Harley Johnson was appointed as the first Alberta Métis Settlements Ombudsman in March 2003 until June 2007. From 1990 to 1997, Mr. Johnson served as Alberta Provincial Ombudsman. During this time, he took on an additional role as the Yukon's first Ombudsman and Information and Privacy Commissioner.

Prior to being appointed as Alberta's Ombudsman, Mr. Johnson was a Police Superintendent with the Calgary Police Service and served as Manager of Olympic Security with the 1988 Olympic Winter Games Organizing Committee in Calgary. Subsequent to his term as Ombudsman, Mr. Johnson chaired the Alberta Gaming Summit, the Alberta Health Summit and the Legislative Review of the *Alberta Blind Persons' Rights Act*. He also served as a Board Director for the 2001 World Championships in Athletics held in Edmonton, chairing the Operations Division.

Mr. Johnson was Executive Director of the International Ombudsman Institute from 1992 to 1996. In this capacity, he was involved in many projects around the world. He has been an advisor in the development of ombudsman legislation in Ethiopia, Arizona, Vietnam, and in the establishment of a Human Rights Commission in Russia. He has lectured on investigative techniques in Taiwan and Cambodia. Other presentations have been made to the Mexican Human Rights Commission, the Canadian Police College, Argentina's Office of the Defensor del Pueblo, and numerous locations throughout Alberta.

In 1996, Mr. Johnson was awarded a lifetime membership in the International Ombudsman Institute for his work in the field.

In November 2010, at the request of the Minister of Aboriginal Relations, Mr Johnson returned as the fourth Métis Settlements Ombudsman.

Mr Johnson resides in Edmonton and is very proud of his seven *nosisimak*.

Meet the OMSO staff

The Office of the Métis Settlements Ombudsman (OMSO) has been operating since April of 2003. Our goal is to provide exceptional service to the members, Councils and staff of the eight Alberta Métis Settlements.

Staff members as of March 31, 2011:

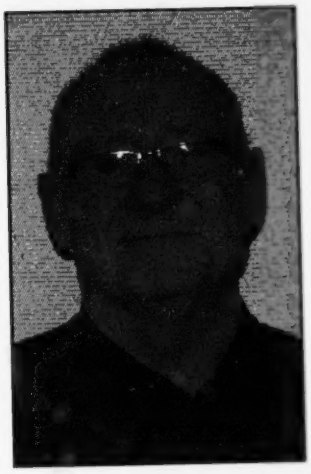
Left to right: **Harley Johnson,** *Métis Settlements Ombudsman*

Danielle Cardinal, *Advisor*

Linda Lewis, *Director*

Keith Pink, *Advisor*

Missing from the photo, **Kalina Garritty,** *Office Administrator.*



Dr. John F. Brosseau , Ombudsman

In June 2009, the Minister of Aboriginal Relations, the Honourable Gene Zwozdesky, appointed Dr. John F. Brosseau as the third Métis Settlements Ombudsman. Dr. Brosseau remained in that position until October 2010.

Chuck Moberly-McBurney, Senior Advisor

Chuck started with the OMSO in 2005 as an Advisor/Investigator. In 2007 he became the Senior Advisor/Investigator and remained in that position until October 2010.

Kalina Garritty is our Office Administrator who in June 2010 left our Office to give birth to a bouncing baby boy! We are happy that mom and baby are doing fine and that she will be returning to the Office in June 2011.

Congratulations to the Garritty family!

Shannon Tandrup, a member of the Peavine Métis Settlement, was with our office as a maternity leave replacement Office Administrator this past year. Shannon's enthusiasm, cheerful disposition and intelligence made her a welcome addition to the OMSO family.
Good Luck, Shannon!

Staff Training, Conferences and Presentations 2010/2011

Training and Conferences:

- Information Security eCourse—Government of Alberta
- Freedom of Information Protection of Privacy training

Presentations:

- Métis Settlements Appeal Tribunal presentation
- FLMS presentation — requested by membership
- New Councillor Workshop—Métis Settlements General Council

Meetings and Social Functions:

- Council, Elizabeth Métis Settlement
- Executive, Métis Settlements General Council
- Executive, Alberta Aboriginal Relations
- Year of the Métis Celebration, Alberta Legislature
- Annual Christmas Celebration, Métis Settlements General Council
- Métis Settlements Appeal Tribunal Open House
- Métis Settlements General Council Christmas Dinner
- GLMS Strategic planning workshop
- EPMS Traditional Land Use (presentation by EPMS)
- Métis Settlements General Council Federation Cup

Overview

Background

The Office of the Métis Settlements Ombudsman (OMSO) was created in 2003 to provide an independent and impartial place to take complaints about Settlements' management or leadership. It also exists to identify unfair or unjust complaints made against the Councils and staff.

An ombudsman function was recommended by a 1999 Métis Settlements Appeal Tribunal Task Force report. This was later supported by a feasibility study. The majority of Métis Settlement members and elders attending community consultation meetings supported this recommendation.

Alberta's Minister responsible for Aboriginal Relations appoints the Métis Settlements Ombudsman (MSO) based on a recommendation of a Selection Committee as outlined in Section 4 of the *Métis Settlements Ombudsman Regulation* (Alberta Regulation 116/2007). The Minister delegates the MSO to receive complaints and to appoint inspectors and investigators as needed. The individuals appointed by the MSO have the authority to conduct independent inspections or investigations, with the powers of a Commissioner, under the Alberta *Public Inquiries Act*.

Mission Statement

The mission of the Office of the Métis Settlements Ombudsman (OMSO) is to promote the rights and responsibilities of Métis Settlement Councils, staff, entities, and members, through inspections, investigations and recommendations.

Guiding Principles

The mission will be accomplished utilizing the principles of *administrative fairness* and *conflict of interest* guidelines, promoting ethical leadership. (In order to better understand the principles of **Administrative Fairness** and **Conflict of Interest**, guidelines have been developed – please refer to Appendix C and Appendix D.)

Objectives

The Office of the Métis Settlements Ombudsman (OMSO)

- √ will **assist** Settlement members and Councils to understand the concepts of *administrative fairness* and *conflict of interest*.
- √ will **promote** appropriate standards for the delivery of Settlement services.
- √ will **accept** complaints from Settlement members and other individuals who feel that an administrative error or injustice has occurred in their dealings with a Métis Settlement Council, staff, or Settlement entity.
- √ will **accept** complaints from Settlement members and other individuals who feel that a Métis Settlement Council, an individual Councillor, staff member, or employee of a Settlement entity has been involved in a *conflict of interest*.
- √ will **identify** frivolous, vexatious, or unjust complaints against members of a Métis Settlement Council, staff, or an employee of a Settlement entity.
- √ may **conduct** an investigation/inspection where a review of the complaint identifies sufficient evidence to indicate an administrative error or injustice may have occurred in which a Council, Councillor, staff member or an employee of a Settlement entity has acted in a real or perceived *conflict of interest*.
- √ may **inspect/investigate** *administrative fairness* or *conflict of interest* issues under the auspices of an Ombudsman's Own Initiative investigation.
- √ will **communicate** the results of an inspection/investigation in any fashion the MSO deems to be appropriate, including recommendations to resolve a specific complaint or to improve a service delivery system.
- √ will **advocate** for all recommendation(s) made and will **track** implementation steps.

The OMSO:

- √ cannot accept complaints about issues which occurred before March 31, 2002.
- √ may insist that all appeals available to a complainant be completed before the OMSO becomes involved.
- √ is guided by the provisions of Section 171-175 of the *Métis Settlements Act* and the *Métis Settlements Ombudsman Regulation* (Alberta Regulation 116/2007).

Complaint Process

Investigation and Resolution

It is the mandate of the OMSO to hear complaints and concerns and to deal with them in the most appropriate way. When a complaint is received, the MSO will determine if there is enough evidence to implement a *review*. If a *review* reveals that an error or irregularity has occurred, the OMSO works informally with those involved to try to resolve the concern and to prevent the same error from happening again.

Concerns that cannot be resolved through the *review* process, may then be approved for further investigation. The results of investigations may be made public.

Making a Complaint

Anyone may make a complaint to OMSO. However, an individual who has a complaint must first try to resolve the matter him/herself. This includes going through any formal appeal processes that might exist within the Métis Settlements. Anyone who remains dissatisfied after appeals are heard is welcome to bring a complaint to the OMSO. Complainants do not have to be members of a Métis Settlement.

There is no fee for filing a complaint.

Complaint Criteria

To be considered, a complaint:

- must be about an issue which occurred on or after March 31, 2002. Occasionally, an issue that occurred prior to March 31, 2002, may be reviewed if action (e.g. a decision) on a complaint was taken after March 31, 2002.
- should be in writing. OMSO Complaint Forms (available through the OMSO) must be completed, including the name, address, telephone number and signature of the person making the complaint.
- must relate to the activities or business of an Alberta Métis Settlement, Settlement Council, individual Settlement Councillor, or staff.
- must involve alleged mismanagement, an unfair practice or a conflict of interest.
- must be based on facts or evidence.

Four basic stages have been developed for the MSO's process of looking into a complaint:

Further Inquiries:

When a complaint has been received, but there is not enough information to proceed, the OMSO staff contact the person who submitted the complaint to clarify the issue(s) or to make sure the matter is within the jurisdiction of the MSO.

Review:

Once the MSO is satisfied the issue is within the jurisdiction of the MSO and the complaint appears to have merit, a *review* is authorized. The advisor/investigator may then contact the Council, staff or Settlement entity to seek help in determining if there is evidence to suggest an error or inappropriate activity occurred. The advisor/ investigator then submits recommendations to the MSO based on the findings. That recommendation might be: to close the file, as there is a lack of evidence to support the complaint; to enter into a formal inspection or investigation; or to suggest any other action the advisor/investigator may feel is appropriate. Mediation techniques might also be used during this stage to resolve the complaint.

Investigation/Inspection:

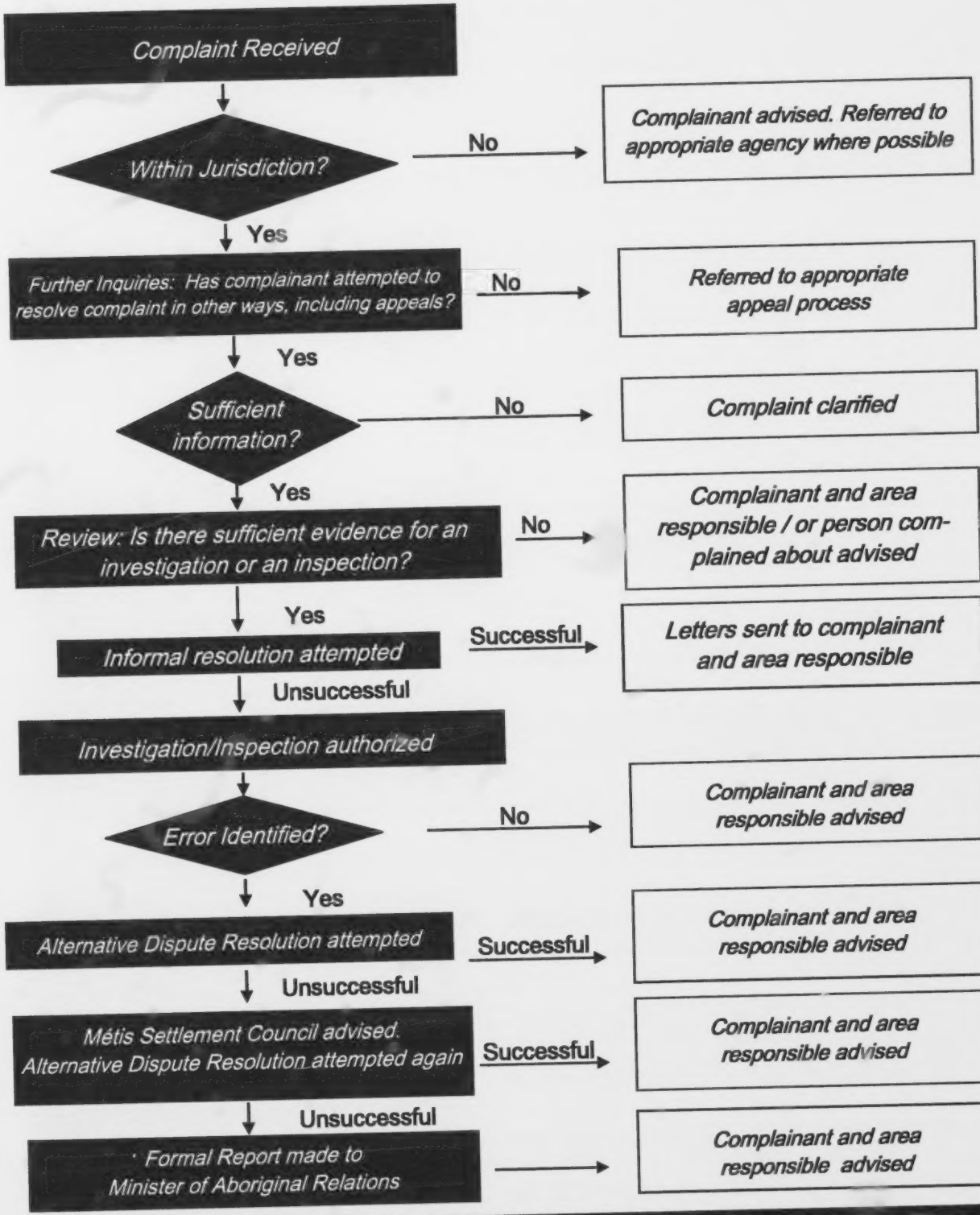
If there is enough evidence to suggest an error occurred, or a Council, staff member or Settlement entity has acted inappropriately, and it cannot be resolved through mediation, a formal investigation or inspection is authorized under the *Métis Settlements Act* (MSA). Once appointed under the MSA, an investigator has the same power and authority as a Commissioner under the *Public Inquiries Act.* Normally, the person who completed the *review* of the initial complaint would not be appointed as an investigator.

Formal Report:

If the investigation supports the findings of the *review*, mediation would be attempted once again and a *formal report* would be submitted to the MSO with appropriate recommendations. Any person who might be negatively affected by a *formal report* is given the opportunity to present evidence or argument to the MSO as to why a recommendation(s) should not be accepted.

In cases where MSO recommendations are ignored, or there is a refusal to take action, the MSO may refer the matter to the Minister of Aboriginal Relations.

Complaint Process Flowchart



Statistical Information

The OMSO keeps internal, confidential records on the complaints it receives. Statistics are kept to help identify trends and/or areas of concern and to provide direction and focus for the OMSO. The following chart shows the number of complaints received according to Settlement:

Settlement:	Number of Complaints (Member) 2009/2010	Ombudsman's Own Initiative 2009/2010	Number of Complaints (Member) 2010/2011	Ombudsman's Own Initiative 2010/2011
Buffalo Lake	35	4	12	2
East Prairie	24	0	10	0
Elizabeth	29	16	8	5
Fishing Lake	38	15	79	4
Gift Lake	4	0	2	0
Kikino	4	0	9	0
Paddle Prairie	24	0	13	0
Peavine	35	6	3	0
Other	1	0	1	0
	194	**41**	**137**	**11**
TOTAL:	**235**		**148**	

Active files **brought forward** to the 2010/2011 fiscal year.

Files Brought Forward as of April 1, 2010:	**185**
Complaints/Ombudsman's Own Initiative 2010/2011:	**148**
Total:	**333**
Resolution of Jurisdictional Complaints/ Ombudsman's Own Initiative:	52
Resolution of Non-Jurisdictional Complaints:	20
Resolution of Requests for Information	3
Total Complaints Resolved (in fiscal year 2010/2011):	**75**
Total Active Files as of April 1, 2011	**258**

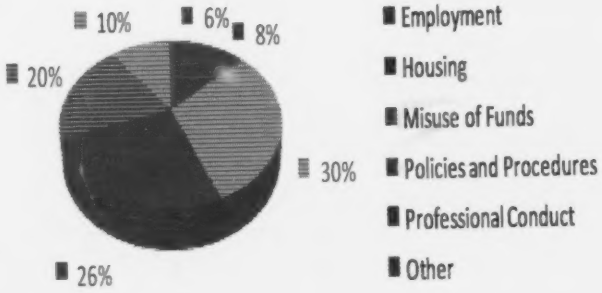
Requests for information can be either jurisdictional or non-jurisdictional in nature

Jurisdictional Complaints/Ombudsman's Own Initiative 2010-2011

Complaints are divided into jurisdictional, which the MSO has the authority to look into, and non-jurisdictional, which fall outside the authority of the MSO.

Jurisdictional complaints are then designated as matters of either Administrative Fairness or Conflict of Interest. Under those two headings, complaints are further broken down into categories, as outlined in the following tables:

Complaint Category	Administrative Fairness	Conflict Of Interest
Employment	7	0
Housing	9	1
Misuse of Funds	34	4
Policies and Procedures	31	1
Professional Conduct	17	8
Other	11	2
Subtotal	109	16
Total	**125**	



Complaints Received - April 1, 2010 to March 31, 2011

Jurisdictional Complaints/Ombudsman's Own Initiative	125
Non-jurisdictional Complaints	23
Total	148

** Councillors and staff continue to use the OMSO as a resource for information and advice **prior** to making decisions.*

The OMSO makes every attempt to bring about a positive conclusion (for both the complainant and for the party being complained about) through mediation and recommendations.**

Jurisdictional complaints were resolved as follows in 2010/2011.

Resolution of Jurisdictional Complaints/Ombudsman's Own Initiative *Files Closed 2010/2011*		
Disposition:	**Administrative Fairness**	**Conflict of Interest**
Oral complaint/no formal complaint submitted	**17**	**2**
Inquiry made/referral given/resolution facilitated	**16**	**0**
Complaint Withdrawn	**10**	**3**
Reviewed: Insufficient evidence to warrant inspection and/or investigation	**3**	**0**
Reviewed: Sufficient evidence identified and resolved through: *-mediation/arbitration* *-complaint withdrawn* *-informal resolution successful* *-recommendation made to Council (response pending)*	 **0** **0** **0** **0**	 **0** **0** **0** **0**
Inspection/Investigation: insufficient evidence	**0**	**0**
Inspection/Investigation, recommendation made/ issue resolved through: *-mediation/arbitration* *-complaint withdrawn* *-recommendation accepted/implemented* *-referred to agency that has jurisdiction*	 **0** **0** **0** **0**	 **0** **0** **0** **0**
Formal report to the Minister	**1**	
TOTAL:	**52**	

** Resistance and a lack of co-operation from some Settlement Councils and Administrations sometimes makes the review/investigation of complaints difficult to bring to conclusion.*
**Due to a transition to a new Case Management System, statistics may be imprecise.*

Every effort is made to avoid taking issues to the level of a formal investigation. The goal of the OMSO is to resolve issues through a co-operative review. However, if appropriate resolution cannot be achieved, a formal investigation may be authorized by the MSO.

The following case summaries provide a sampling of the types of complaints the OMSO received in 2010/2011. Every attempt has been made to protect the identity of the individuals involved.

Unfair dismissal identified

The OMSO received a formal complaint alleging that the process used by a Settlement administrator to dismiss an employee was administratively unfair.

An investigation was initiated into this complaint.

Following the completion of the investigation, an OMSO Advisor met with the Administrator to discuss the results of the investigation since Human resource matters are highly confidential and should not be discussed in the public domain.

The investigation identified that the Settlement Personnel Policy was not followed in regards to the employee dismissal. The Policy states that the Administrator must give the employee 30 calendar day's written notice prior to a layoff.

In this situation, the Administrator issued the complainant a layoff letter plus two weeks pay, in lieu of termination notice, therefore, breaching the Settlement Personnel Policy.

To address the administrative error, recommendations of corrective and preventative action were proposed.

Those recommendations included:

- providing compensation to the complainant;
- adherence to the existing Personnel Policy as it relates to position elimination (specifically that employees are advised of impending position elimination in writing with appropriate notice) and,
- that the Settlement documents employee reviews with copies maintained in their personnel files.

An OMSO Advisor was informed that the recommendation pertaining to compensation was implemented in a timely fashion. Administration will also be conducting annual performance appraisals of staff (a first for this Settlement) and monies have been set aside to compensate those who excel in their performance. Personnel files are also being created for employees, which are kept under lock and key.

It is believed that these changes undertaken by this Settlement will promote employee retention, increase employee morale and inevitably displays a willingness to treat Settlement employees fair.

The MSO was tremendously satisfied with the response of this Settlement and the changes they have initiated. Accordingly, this file was closed.

Project change prompts new tendering process

The OMSO was contacted by an administration employee to provide advice on a tendering process.

The caller explained that an invitation to tender was advertised for the construction of a community building. The Settlement Council awarded the contract to a local Settlement contractor. The scope of the project changed after the contract was awarded. Some administrative staff questioned whether a new tendering process should have been initiated because of the scope change.

It was the advice of this office that since the project scope changed significantly, there should have been an entirely new bidding process, including a new advertisement and selection process.

The rationale for this advice included the following:

- The change in project scope likely meant there would be a change in the overall project cost.
- Potential contractors submitted bids based on the project specifications as described in the advertisement.
- To change the project scope without public notice would call the integrity of the tendering process into question.

To assist the councillors in making a decision, the MSO took the proactive approach and sent a letter of advice to the Settlement. The Settlement was made aware that the advice was based solely on information received to date and in the event a complaint was filed following the decision of Council, the MSO would then assess those complaints.

In the end, the Settlement re-advertised the project. Subsequently, the project ended up being awarded to the original Settlement contractor.

The MSO was pleased with the proactive approach of this Settlement by contacting the OMSO for advice prior to making a decision. It is through cooperation and the willingness to be fair, that this matter was resolved without a formal complaint filed with the OMSO.

A question of membership

A member contacted the OMSO asking if a Status Indian can be elected to the Board of Directors of a local society operated in the Settlement.

It was the belief of the caller that since the society was located on the Settlement and funded by the Settlement, that the *Métis Settlements Act* should be followed.

An OMSO Advisor informed the caller that the Society Bylaws will include the definition of a "member".

The caller was also informed that the membership definition of the society does not necessarily coincide with the definition of membership as described in the *Métis Settlements Act*; unless the society adopted the same definition in their bylaws.

The OMSO Advisor encouraged the caller to review the society bylaws. If the current director of the board does not appear to meet the society's membership criteria, then the caller can file a complaint with the Society's Board of Directors (as a whole), with the Settlement Council, or with the OMSO.

Society bylaws and financial statements are public documents. These documents can be obtained from the society or at any Corporate Registry Office for a nominal fee.

MSO applauds positive changes

This summary is a follow up to a Case Summary included in the 2009/10 Annual Report regarding "Administrative Unfairness — Housing Allocations".

It is important to follow up on the progress undertaken by a Settlement in regard to an OMSO investigation into housing allocations. This investigation identified that the Council did not adhere to the rules of administrative fairness. As well, certain councillors were identified as being in a conflict of interest.

Eventually, recommendations were proposed to the Minister of Aboriginal Relations because the recommendations of the MSO had been ignored by the Council.

The MSO recommended that the Minister exercise his authority under Section 176 of the Métis Settlements Act to remove those councillors identified as being in a conflict of interest and also direct Council to respond to the proposed recommendations.

The Minister subsequently issued an Order on December 19, 2009. The Order contained items to be implemented by the Settlement.

The OMSO was made aware that an Inspector was appointed by the Minister to follow up on the Ministerial Order, but the OMSO was not privy to the Inspector's Report.

During a visit to this particular Settlement, the OMSO learned that the Settlement had revised its housing allocation process into a "numbered process."

The new system de-personalizes the process and the decision makers (in this instance, Council) have no knowledge of who the applicant is.

Clearly, there were positive changes undertaken by this Settlement, which shows a willingness to correct administrative oversights that had been identified.

It should be noted that the OMSO has not received any new complaints regarding housing allocations from this particular Settlement.

Third-party complaint

In November 2010, a call was received at the OMSO from a concerned Settlement member, alleging that a family on their Settlement had been without heat for three days and the temperature had been steadily below zero.

It was alleged that when the heating problem first occurred, the Settlement Housing Coordinator was contacted and had a contractor attend the residence.

Although the contractor initially repaired the problem, the occupants of the house were required to frequently perform a minor mechanical task. After approximately 24 hours, the heat failed again.

The complainant was upset that the Housing Co-ordinator could not be reached and would not return phone calls. The OMSO Advisor informed the complainant that it is the policy of the OMSO not to accept third party complaints. When the Advisor inquired as to whether or not anyone else at the Administration Office had been contacted, it was quickly realized that no one else had been contacted. The Advisor recommended that the occupant contact the Administrator or another member of the Administration staff.

Shortly after this action was followed, the heating contractor restored heat at the residence. No formal complaint was submitted and this matter and was closed.

Furnace bill settled

A Settlement member contacted the OMSO and filed a formal complaint of unfair treatment by the Settlement Administration and Council.

The complainant alleged that several years prior, the Settlement had installed a furnace in their home and they had recently learned that the contractor who had done the work had never been paid for the furnace itself or the installation services.

The complainant believed that as the Settlement had originally contracted the contractor to supply and install the furnace, the Settlement should pay the invoice.

The complainant felt pressured to pay the invoice as the Settlement had failed to do so, and was now concerned that this contractor would deny service in the future should they ever require repairs. The caller requested the assistance of the OMSO.

Shortly after this complaint was received, the Settlement Administration contacted the OMSO regarding this same matter and requested their assistance in determining whether or not the Settlement should pay for the furnace and installation. The MSO agreed to look into the matter and an OMSO Advisor was assigned.

Upon looking into this matter, the Advisor learned the installation and purchase of the furnace had been authorized by the Housing Co-ordinator.

It was learned that, although he did so, the Housing Co-ordinator did not have the authority to authorize such a large expenditure.

Shortly after authorizing the installation of the furnace, the Housing Co-ordinator left that position and was believed to have left the Settlement.

The invoice for the expenditure was delivered to the Settlement Administration Office where it was inadvertently misplaced. A second invoice was delivered, but was never paid as the staff realized that proper procedures had not been followed in authorizing the contract.

The Advisor contacted the furnace contractor, who indicated they had received an authorization from the former Housing Co-ordinator and indicated they possessed a written record of that conversation. The contractor also indicated that if he was to charge interest on the original invoice, it would have more than doubled by that time.

The MSO report to the complainant and Settlement indicated this was essentially a contractual matter between the Settlement and a private contractor. Because the Settlement Administration had requested the advice of the MSO, the report included a recommendation that as a good business practice, the Settlement Administration contact the private contractor and settle the debt.

This recommendation was based on the fact that, in an interview, the previous Housing Co-ordinator had indicated that he had authorized the private contractor to install a new furnace and the private contractor had a written record of this conversation.

The Settlement followed the advice of the MSO and paid the debt.

This file was closed.

Allegations of Financial Mismanagement

The following is an excerpt from our last Annual Report:

The Métis Settlements Ombudsman had received several complaints alleging that some Settlement Councillors and Administrators were not exercising due diligence when investing Settlement monies on behalf of the membership. It had been alleged that some councils had invested into very risky investments. Allegations further stated that Settlement funds had been invested into Canadian or foreign investments without the advice of a competent lawyer or a licensed financial advisor.

It was alleged that some councils have borrowed money against the margins of their investments. If there is a margin call, the Settlement must immediately make those payments to the bank or financial institution involved, or their portfolio will be liquidated and the Settlement will be liable for any shortfall in funds to cover the margin call. This is a very risky investment strategy.

In some cases, the sales people offering shares for sale are very sophisticated and use various techniques to entice people to invest. Some of the techniques that were seen while conducting investigations were as follows; dinner presentations to introduce potential clients to the investments, offered reams of paper to read concerning the investments, took both clients and potential clients on all expense trips to promote the investments, and made available to investors free tickets to sporting events (with private suites and access to free food and beverages).

Since our last Annual Report, investigative work has continued. In November when the OMSO migrated from a contracted organization to the Government of Alberta's Ministry of Aboriginal Relations, investigation into these complaints was put on hold.

This investigation has proven to be quite complex as well as demanding of resources. We are duty bound to fairness for all complainants and those who are subject of these complaints. The investigation into these complaints is continuing. Barring any further delays, we anticipate a final report by the end of summer 2011.

APPENDICES

Appendix A

Ministerial Orders

ALBERTA
ABORIGINAL RELATIONS
Office of the Minister

Aboriginal Relations

Metis Settlements Act and the *Metis Settlements Ombudsman Regulation*

MINISTERIAL ORDER
MSO-03/2010

APPOINTMENT OF THE METIS SETTLEMENTS OMBUDSMAN

I, Len Webber, Minister of Aboriginal Relations, pursuant to section 5(3) of the *Metis Settlements Ombudsman Regulation*, hereby appoint Harley Johnson as the Metis Settlements Ombudsman.

Ministerial Order MSO-03/2009 is repealed. This order comes into force on November 5, 2010.

DATED at the City of Edmonton, in the Province of Alberta, this 5 day of November, 2010.

Honourable Len Webber
Minister, Aboriginal Relations

Alberta

203 Legislature Building, 10800 - 97 Avenue, Edmonton, Alberta T5K 2B6 Canada Telephone 780-422-4144 Fax 780-644-8389

Printed on recycled paper

Excerpt from Ministerial Order MSO-02/2010
Métis Settlements Ombudsman Amendment Regulation

I, Len Webber, Minister of Aboriginal Relations, pursuant to Section 175.1 of the *Métis Settlements Ombudsman Act*, make the order in (the following) Appendix, being the Métis Settlements Ombudsman Amendment Regulation.

Dated at the City of Edmonton, in the Province of Alberta, this 28th day of October 2010.

Métis Settlements Act

Métis Settlements Ombudsman Amendment Regulation

1 The Métis Settlements Ombudsman Regulation (AR 116/2007 is amended by this Regulation.

2 Section 1(b) is repealed.

3 Section 5(3) is repealed and the following is substituted:

(3) If the Métis Settlements Ombudsman dies, resigns or is removed from office, an individual must be appointed by the Minister under section 4(1) as the Métis Settlements Ombudsman for the unexpired period of the term, or for any longer or shorter period the Minister considers appropriate or until a person is appointed under Section 4.

(4) Section 4(2) does not apply to the appointment of an individual as Métis Settlements Ombudsman under subsection (3).

4 Section 7 is repealed and the following is substituted:

Staff

7 In accordance with the Public Service Act, there must be appointed such staff as is required for the purposes of the Office of the Métis Settlements Ombudsman.

5 Section 8 is repealed and the following is substituted:

Authority of Métis Settlements Ombudsman

8 The Métis Settlements Ombudsman is authorized to perform all of any of the functions, powers and duties of an investigator under Section 171 to 175 of the Act with respect to:

(a) a Settlement, or

(b) An entity that is directly or indirectly controlled by a Settlement council or by persons who are employees or officials of a Settlement.

6 Section 9 is amended by renumbering it as Section 9(1) and by adding the following after Subsection (1):

(2) If the Métis Settlements Ombudsman appoints an investigator under Section 171 of the Act pursuant to subsection (1), the exercise of the investigator's authority is subject to the direction and control of the Métis Settlements Ombudsman.

7 Sections 11 and 14 are repealed.

Appendix B

Budget Variance Report

Office of the Métis Settlements Ombudsman
as of March 31, 2011

	BUDGET ALLOCATION	ACTUAL EXPENDITURE April 1, 2010 to October 31, 2010 (MSO Serv. Inc.)	ACTUAL EXPENDITURE November 1, 2010 to March 31, 2011 (MSO New)	TOTAL EXPENDITURE April 1, 2010 to March 31, 2011	VARIANCE
Staff	$ 334,000.00	$ 316,223.00	$ 145,187.00	$ 461,410.00	$ (127,410.00)
MSO	$ 85,000.00	$ 74,737.00	$ 60,813.00	$ 135,550.00	$ (50,550.00)
*Special Investigations	$ 100,000.00	$ 340,397.00	$ 77,740.00	$ 418,137.00	$ (318,137.00)
Admin Support	$ 10,000.00	$ —	$ —	$ —	$ 10,000.00
Accounting	$ 26,570.00	$ —	$ —	$ —	$ 26,570.00
Legal	$ 15,000.00	$ 9,847.00	$ 3,360.00	$ 13,207.00	$ 1,793.00
External Contractors	$ 500.00	$ —	$ —	$ —	$ 500.00
Communications	$ 13,350.00	$ —	$ —	$ —	$ 13,350.00
Postage/Courier	$ 100.00	$ 70.00	$ 100.00	$ 170.00	$ (70.00)
Insurance	$ 7,270.00	$ 6,693.00	$ —	$ 6,693.00	$ 577.00
Office Supplies	$ 6,500.00	$ 3,875.00	$ 7,000.00	$ 10,875.00	$ (4,375.00)
Equipment Rentals/ Lease	$ 1,760.00	$ 1,466.00	$ 1,000.00	$ 2,466.00	$ (706.00)
Training & Development	$ 6,590.00	$ 2,491.00	$ —	$ 2,491.00	$ 4,099.00
Telephones/Internet	$ 8,500.00	$ 41,883.00	$ 1,700.00	$ 43,583.00	$ (35,083.00)
Travel	$ 12,000.00	$ 3,850.00	$ 1,600.00	$ 5,450.00	$ 6,550.00
Outreach	$ 4,500.00	$ 2,250.00	$ 700.00	$ 2,950.00	$ 1,550.00
Vehicle Lease	$ 10,000.00	$ 8,333.00	$ —	$ 8,333.00	$ 1,667.00
Vehicle Maintenance	$ 2,000.00	$ —	$ —	$ —	$ 2,000.00
Vehicle Parking/ Building	$ 960.00	$ 960.00	$ —	$ 960.00	$ —
Maintenance/Repairs	$ 400.00	$ —	$ 900.00	$ 900.00	$ (500.00)
Other Purchased Items	$ —	$ 59,595.00	$ 1,200.00	$ 60,795.00	$ (60,795.00)
Totals	$ 645,000.00	$ 872,670.00	$ 301,300.00	$ 1,173,970.00	$ (528,970.00)

Notes: *Special Investigations occur when outside investigators are appointed by the MSO under the *Métis Settlements Act* to perform independent investigations.

Administrative Fairness Checklist

Introduction
An important step along the road to self governance and self regulation of Alberta's eight Métis Settlements is the confidence that everyone is treated fairly and with respect, especially when dealing with Councillors, decision makers and persons in positions of authority.

Checklist
This Administrative Fairness Checklist is prepared to guide Council, Settlement employees, Settlement entities, decision makers and Settlement members in their daily business with each other. Answering the following questionnaire honestly will help you decide whether business on your Settlement is being conducted as fairly as possible. This Checklist is not a legal document but it is a living document that will change from time to time as the need arises.

Fairness:

√ Is all Settlement business conducted in a fair and transparent manner?

Understanding the Process:

√ Do Councillors, Settlement employees, and decision makers ensure that everyone understands their roles and responsibilities?

Impartiality:

√ Do Councillors, Settlement employees, and decision makers make decisions based on what is in the best interest of the Settlement as a whole, eliminating self-interest?

Professional Conduct:

√ Do Councillors, Settlement employees, and decision makers treat everyone with dignity and respect?
√ Do members treat Councillors, Settlement employees, and decision makers with dignity and respect?
√ Is unprofessional or inappropriate (unethical, unprincipled, immoral, or dishonourable) conduct allowed to occur?
√ Do Councillors, Settlement employees, and decision makers utter public remarks that are inappropriate?
√ Do Councillors or decision makers threaten or bully employees or Settlement members?
√ Is the use of profane language tolerated?
√ Are policies in place to make offenders of unprofessional or inappropriate conduct accountable for their actions?
√ Do Councillors, Settlement employees, and decision makers misuse or abuse their posi-

The Right to Voice a Concern:

√ Are you aware that everyone has the right to voice a concern without fear of punishment or negative consequence?
√ Are you also aware that punishing or allowing negative consequences to occur to someone that has voiced a concern is a serious breach of administrative fairness and/or the Canadian Charter of Rights and Freedoms?

Public Information:

√ Is public information available in a format that is understandable and written in plain language?

Clarification:

√ Are adequate explanations given to, or information provided to, members asking for details about Settlement activities, personal entitlements, eligibility criteria, etc.?
√ Are efforts made to refer members to the appropriate agencies?

Forms:

√ Are all forms that require completion easy to read and written in plain language?

Freedom of Information and Protection of Privacy (FOIP):

√ Are FOIP forms available upon a member's request?
√ Is the privacy of individuals adequately protected?

Letters and Correspondence:

√ Are members' concerns being responded to in a timely fashion in the form of a letter that can clearly be understood?

Facilities:

√ Are work places on the Settlement a safe and healthy environment for staff?
√ Are Settlement-owned buildings and offices designed to respect and protect the privacy of Settlement members, outside agencies, staff, and confidential information?

Timeliness:

√ Are decisions made and actions taken within a reasonable time period?
√ Are adequate reasons for decisions and actions communicated to or provided to the affected parties in a meaningful and timely way?

Complaint Procedures:

√ Are complaint procedures well known, clearly defined, and understandable?
√ Are community suggestions for improving complaint procedures acted upon?
√ Are complaints given careful consideration and responded to in a timely fashion?

Appeal Review and Complaint Procedure:

- √ Are affected individuals informed about ways to appeal or to request a review regarding decisions made or actions taken?
- √ Is this information provided in a polite, respectful way?
- √ Are Settlement members aware of these rights through posters and/or brochures?
- √ Could relationships with other partners, outside communities, and government agencies be made better through adjustments to policies and procedures?

Roles and Responsibilities:

- √ Do all Settlement positions have clearly defined job descriptions?
- √ Do the job titles accurately describe the work done?
- √ Can jobs be combined or re-organized to achieve a higher quality or better delivery of services?

Co-ordination:

- √ Could service quality and fairness to Settlement members be improved through adjustments in policies and procedures?
- √ What procedures or checks and balances are in place to ensure that work is being done in the way it was originally intended?
- √ Is there an attitude in the work place that promotes growth, change, and ongoing improvement?

Consultation with Settlement Members:

- √ Are systems in place that accurately record and organize statistical information so that changes in programs or policies can be evaluated and adjusted if necessary?
- √ Are Settlement members invited to take part in the planning of, or changes to, the way the Settlement operates?

Housing:

- √ Is the distribution/allocation of Settlement housing fair?
- √ Do all eligible Settlement members have equal opportunity to receive Settlement housing?
- √ Is there clearly defined selection criteria established to receive housing?
- √ Are the selection criteria available to the applicants?
- √ Are unsuccessful applicants being notified in writing as to why they were not selected?

Jobs:

- √ Are members given an equal opportunity to compete for Settlement jobs?
- √ Are contracts and work distributed fairly amongst Settlement members?
- √ Are Settlement policies being followed in the hiring process?

Conflict of Interest Checklist

Introduction
All members of a Métis Settlement community are entitled to a governance structure that operates with fairness, integrity and impartiality of decision-making. Public trust is damaged when the private interests of an elected official or an employee takes, or appears to take, priority over the public interest, thus leading to a *conflict of interest* or a perceived *conflict of interest*.

Checklist
This Conflict of Interest Checklist is prepared to guide Councils, Settlement employees, decision makers, and Settlement members in their daily business with each other. Answering the following questionnaire honestly will help you decide whether business on your Settlement is being conducted in an appropriate manner. This Checklist is a living document that will change from time to time as the need arises.

Definitions:
Conflict of Interest: arises when decision makers (Councillors, Settlement employees, Settlement entity employees) are involved in a decision or action during the course of their public duties, knowing that there is, or may be, an opportunity to further his/her personal or financial interests or those of an immediate family member.
Perceived Conflict of Interest: arises when a reasonable person could believe that the decision-maker's judgment is likely to be affected by a private interest.
Potential Conflict of Interest: is something that may develop into an actual *conflict of interest*.
Immediate Family: means spouse, father, mother, brother, sister and children.

Conflict of Interest Policy:

- √ Is there Settlement policy and/or guidelines regarding *conflict of interest* and, if so, is it followed?
- √ Are these policy/guidelines consistent with the *Métis Settlements Act* and/or policies developed by the Métis Settlements General Council?
- √ Does Council or Administration ensure that all Settlement managers, employees, and decision makers are made aware of the *conflict of interest* policy and guidelines?
- √ What actions are required by public office holders?

    a) In all cases, the Settlement member who holds a public office is responsible to take immediate action if he/she suspects that an actual, perceived or potential *conflict of interest* is possible, whether financial or otherwise.
    b) Section 39 of the *Métis Settlements Act* requires a Councillor to disclose any real or apparent financial *conflict of interest* to the Council. If the matter before Council is to be decided by a resolution, the Councillor must withdraw from further discussion, voting, or involvement.
    c) A Settlement employee is required to immediately disclose a possible *conflict of interest* to his/her supervisor if the employee is in a conflict. The employee must withdraw from any further involvement or action on the matter.

Examples of Conflict of Interest:

While it is not possible to predict all *conflict of interest* situations, you can use the following headings and questions to help identify where most *conflict of interest* situations could occur.

Furthering Private Interests:

- √ Does an immediate family member stand to gain or lose financially from the individual's or the organization's decision or action in a matter?
- √ Is a Councillor, Settlement employee, or decision maker using his/her position to influence a decision, knowing it might benefit an immediate family member?
- √ Is a Councillor, Settlement employee, or decision maker using or communicating privileged or confidential information, knowing it might benefit an immediate family member?
- √ Does a Councillor, Settlement employee, or decision maker use his/her position to influence a decision or an action, knowing that it may benefit, or appear to benefit, an immediate family member?

Nepotism:

- √ Is a Councillor, Settlement employee, or decision maker involved in making a decision to grant a home or renovation to an immediate family member?
- √ Is a Councillor, Settlement employee, or decision maker involved in interviews or hiring decisions where applicants include immediate family members?

Acceptance of Gifts, Gratuities or Other Benefits:

- √ Does a Councillor, Settlement employee, or decision maker accept favours, gifts, services or hospitality from those who stand to gain or lose from that individual's or the organization's decision or action?

  Note: This does not prevent acceptance of small gifts of little value, items of a cultural nature or those presented as a form of public recognition for good work.

Outside Employment:

- √ Do immediate family members of Councillors or Settlement employees gain or appear to gain an unfair advantage over other Settlement members in obtaining contracts or other outside employment due to their access to privileged information?
- √ Does a Councillor, Settlement employee, or decision maker conduct private business during working hours to the extent that it interferes with his/her public duty?
- √ Does a Councillor, Settlement employee, or decision maker use public premises, equipment or supplies for private use without appropriate authorization?
- √ Does a Councillor, Settlement employee, or decision maker use their public role to advance their own private interests in any way?

Public Statements:

- √ Does a Councillor, Settlement employee, or decision maker disclose private or confidential information to those who are not authorized to receive it?

  Note: These actions may also be governed by Freedom of Information and Protection of Privacy (FOIP).

Volunteer Activities:

- √ Do volunteer activities take up time during working hours?

  Note: Individuals are encouraged to participate in volunteer activities unless this causes an actual or perceived conflict of interest.

General Questions to Consider

- √ Are the decisions you make as a Councillor, Settlement employee, or decision maker in the best interests of the Settlement as a whole or are they self-serving?
- √ Have you made decisions or taken an action that you are not proud of?

Revised: February 2008

MSO
Information bulletin

Housing – Appeal Process

The issue of housing allocations is a difficult one for decision makers to deal with in a way that is seen as fair and unbiased. Different approaches have been utilized, however, decision makers are still faced with allegations of conflict of interest or bias in their decisions related to housing. This information is being shared with you as it may be of value in helping you with issues relating to housing.

Over the last few years the Métis Settlements Ombudsman ("MSO") has received complaints from Settlement members regarding fairness of how new housing allocations are made. Primarily, members purport the housing allocation process is biased, unfair and driven by personal interests. In an attempt to keep at arm's length some Settlement Councils have appointed a local Housing Committee and in some instances delegate their decision making powers to this Committee. The MSO Office sees this as a positive step that has been advocated in the past by this office. One Council, in order to avoid issues of political influence, has appointed non-settlement members who have experience in the housing field to their Housing Committee.

The role of a Housing Committee is to primarily screen applications and decide which applicants shall receive new housing. While the process leading to the appointment of this Committee appears to be a non-issue, there have been concerns raised about how one may appeal the decision of a Housing Committee. To keep the Committee independent of the Settlement Council, some Councillors wish to remain uninvolved and independent even in the appeal process. While this "hands off approach" by Council guarantees independence of the Housing Committee, there is still an onus on the Council to create an appropriate appeal process for individuals who believe they have been unfairly treated in the selection process.

An appeal is a process requesting, by aggrieved persons, a formal change to an official decision. Grounds for an appeal typically include an error of law, fact, or a procedure. To delegate the appeal of a Housing Committee decision to the Housing Committee is not appropriate as one cannot make an appeal to whomever made a decision in the first place. It must be made to a new entity. At this time there appears to be two alternatives available for an appeal from a Housing Committee decision that would stand the test of administrative fairness. Firstly, if it is an issue of administrative error or unfairness it could be appealed to the MSO. Alternatively it could be heard by the Settlement Council. However, the appeal must be based on a breach of policy or procedure by a Housing Committee, not simply because the affected party disagrees with the decision that was made by the Committee.

Implications for Settlement Councils:

1. To avoid being accused of enabling or participating in an unfair selection processes the Settlement Council may choose to establish a Housing Selection Committee that is independent of Council.
2. This committee should be given clear and concise criteria by council upon which housing recipients are to be selected.
3. Any appeal of a decision by the Housing Selection Committee should be made to another unbiased body.

The MSO will only get involved subsequent to a member exhausting their local appeal process and only to review complaints on an Administrative Unfairness level, as opposed to complaints of a political nature.

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Issue #1/07/2009

MSO

Information bulletin

Conflict of Interest

Over the last several years the Metis Settlements Ombudsman has dealt with a number of complaints from Settlement members alleging that a member of the Settlement Council was acting in a way that placed the councilor in a conflict of interest.

Generally a conflict of interest exists when a person in a decision making position (councilor or a administrator) makes a decision or influences a decision in which they, or a member of their family, has a private interest and stand to financially gain by the decision being made. An example of this would be when a councilor voted to award a contract to a company owned by his wife.

All elected officials must be very careful not to place themselves in a conflict of interest as at a minimum it invites criticism from their electorate, and in serious cases removal from office. Metis Settlements are especially vulnerable to allegations of conflict of interest because the communities are small and councilors are related to a significant number of the Settlement residents.

The safest way to handle a potential conflict of interest is for the councilor to not participate in, influence, or vote on the decision being made. Alternatively, they can declare the nature of the potential conflict to Council and have the Council determine if there is a conflict of interest. However, once the council has made a decision the councilor is bound by the decision.

The forgoing is an overview of conflict of interest. However, in the case of Metis Settlements there are legislative exceptions to the above found in the Metis Settlements Act and in particular Sections 16 and 39.1. Section 16 of the Metis Settlements act requires that members who run for Council must file a disclosure statement describing the general nature of each agreement which they have with the Settlement. Section 39.1 of the Act provides that under certain specific circumstances a councilor may have a financial interest in a matter and may not be in a conflict of interest. However, caution is advised and a careful review of section 39.1 is recommended prior to any action being taken by a councilor. Similarly, they should review the financial interest policy of General Council.

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Issue #2/10/2009

MSO
Information bulletin

Councillor & Contractor

Since the MSO office was created there have been allegations raised regarding a conflict of interest based on the sole fact that a serving councillor is also contractor. An allegation of this nature inevitably raises the two following questions:

Question #1
Can a settlement councillor provide contract services to the settlement under the Metis Settlements Act?

1. The simple answer to question #1 is-Yes
The Metis Settlements Act contains provisions which govern the behaviour of council's with respect to contracts between councillors and their settlement. However, the Act does not prohibit a councillor from entering into a contract with a Settlement, provided those contracts meet the requirements of section 39.1 of the MSA.

As well, the councillor must disclose a financial interest in such a contract that he or she may become party too when it is being considered by the settlement council. Following the disclosure of a financial interest, the MSA requires the councillor to remove themselves from deliberations surrounding the matter and the councillor cannot vote on the contract. (*This is same for when an immediate family member of a councillor may become party to a contract that is being considered by the settlement council.)

Question #2
Is the Councillor in a conflict of interest?
The answer to Question #2- It depends on a number of factors and there is no simple answer to this question.

2. A Councillor is not automatically in a conflict of interest for the sole reason of being both a councillor and a contractor. To be deemed in a conflict of interest, there would need to be evidence of a breach of the Act, any local settlement policies and/or bylaws adopted by that settlement or General Council Policies and in particular General Council Financial Interest Policy.

*A competitive employment process must also be done to ensure a fair an equitable process.

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MSO

Information bulletin

The fine line between governance & administration

It is my view that significant improvements can be made, to the operation and governance of the Métis Settlements, if Council and Administration understand their respective roles in the settlement structure. (See sections 32 to 47 of the Métis Settlements Act)

Role of Council-Governance

The role of council is to govern the affairs of the Settlement by way of by-laws, policies, and council resolutions, all of which are created and decided by the Council. Council then relates an Administrator to carry out the implementation of their policies, bylaws and resolutions. It is NOT the role or authority of any individual Councillor to direct the activities of the Administrator or of any Settlement staff member.

Role of the Administration-Carry out Governance

The role of the Administrator is to manage the affairs of the Settlement by implementation of settlement bylaws, policies, and duly passed Council resolutions. Administration staff assist the Administrator in carrying out the operational functions and ultimately report to the Administrator, not individual Councillors

Council Meeting Minutes

Decisions of Council can only be made in a public forum such as a Council meeting. Decision of Council *must* be recorded in the minutes identifying the "moves", "seconder", and the status of the resolution (carried, defeated).

Council has the authority to hold "in-camera" sessions. These "sessions" are primarily used to discuss confidential matters ranging from personnel issues to legal issues. Should Council wish to go in-camera, a resolution must be passed to go in-camera and a motion when Council returns to the meeting. If Council agrees to a course of action while in-camera it must pass a motion at a public meeting for it to have effect.

It is crucial that meeting minutes are recorded in a competent manner. After all, meeting minutes form the organizational memory. Resolutions of Council need to be accurately reflected in the minutes as they become a public record. As always, Council meetings are open to the public.

A Council resolution takes effect the moment the resolution passes. Approval of meeting minutes is not to be unreasonably delayed and should be approved at the beginning of the next Council meeting. Meeting minutes are then to be posted for the members' viewing for fourteen days.

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Issue #4/02/2010